

HAWAII ADMINISTRATIVE RULES

TITLE 16

DEPARTMENT OF
COMMERCE AND CONSUMER AFFAIRS

CHAPTER 62

HAWAII PUBLIC BROADCASTING AUTHORITY

FUND RAISING

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Historical Note: Chapter 62 of Title 16, Administrative Rules, is based substantially upon Chapter 2, Title IX, entitled "Fund Raising." [Eff 1/3/75; am and eff 7/11/75; R 7/2/81]

§16-62-1 Purpose. The purpose of this chapter is to establish the conditions governing the solicitation, receipt, and use of funds by the Hawaii

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public broadcasting authority in support of its public broadcasting activities and operations. [Eff 7/2/81; comp 6/17/89] (Auth: HRS §314-8) (Imp: HRS §314-8)

§16-62-2 Definitions. As used in this chapter:

"Authority" means the Hawaii public broadcasting authority or its duly designated representatives as provided for in section 314-1, HRS.

"Board" means the board of public broadcasting as provided for in section 314-2, HRS.

"Funds" means any gifts, grants, or other financial resources.

"Gifts" means resources voluntarily transferred to the authority without conditions or restrictions as to their use.

"Grants" means money or other resources provided for a specific purpose.

"Person" means not only individuals, but corporations, firms, associations, societies, communities, assemblies, inhabitants of a district, or neighborhood, or persons known or unknown, and the public generally, where it appears from the subject matter, the sense and connection in which such words are used, that such construction is intended.

"Publications" means magazines, pamphlets, brochures, and other printed matter.

"Underwrite" means the act of providing funds to the authority to finance the cost of a particular program. [Eff 7/2/81; am and comp 6/17/89] (Auth: HRS §314-8) (Imp: HRS §314-8)

§16-62-3 Fund raising authorized. The authority may promote and sponsor fund raising activities for public broadcast purposes. [Eff 7/2/81; am and comp 6/17/89] (Auth: HRS §314-8) (Imp: HRS §314-8)

§16-62-4 Solicitation. Solicitation of funds for public broadcasting purposes may be conducted through public auction, membership drives, or by such other methods as may be deemed appropriate by the board pursuant to public policy. Solicitation of funds or support shall be limited to projects of the Hawaii public broadcasting authority and other projects which are required by public policy. [Eff 7/2/81; comp 6/17/89] (Auth: HRS §314-8) (Imp: HRS §314-8)

§16-62-5 Personnel. Only duly authorized personnel and official representatives designated by the board may be permitted to solicit and accept

funds in the name of the authority. [Eff 7/2/81; am and comp 6/17/89] (Auth: HRS §314-13) (Imp: HRS §314-13)

§16-62-6 State funds. All funds, upon deposit into the public broadcasting revolving fund, become the property of the state for use consistent with this chapter. [Eff 7/2/81; am and comp 6/17/89] (Auth: HRS §314-8) (Imp: HRS §314-8)

§16-62-7 Use of funds. All funds, unless otherwise designated in writing by the donor, shall be used for general public broadcasting purposes. [Eff 7/2/81; am and comp 6/17/89] (Auth: HRS §314-8) (Imp: HRS §314-8)

§16-62-8 Grants. Grants may be accepted for specific purposes; provided that such grants may be used for other purposes with the donor's written concurrence. [Eff 7/2/81; am and comp 6/17/89] (Auth: HRS §314-8) (Imp: HRS §314-8)

§16-62-9 Equal opportunity. The board shall provide equal opportunity to all persons of the community to make grants for public broadcasting purposes. [Eff 7/2/81; comp 6/17/89] (Auth: HRS §314-8) (Imp: HRS §314-8)

§16-62-10 Announcements and content. Announcements may be made to inform the public that underwriting is being sought for public broadcasting purposes. The announcement shall include information concerning the nature of the proposed project. [Eff 7/2/81; comp 6/17/89] (Auth: HRS §314-8) (Imp: HRS §314-8)

§16-62-11 Publications. The authority may produce and distribute, with or without charge, publications associated with its programs, goals, philosophy, and progress. Funds received from the distribution of such publications shall be deposited to the public broadcasting revolving fund. [Eff 7/2/81; am and comp 6/17/89] (Auth: HRS §314-8) (Imp: HRS §314-8)

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§16-62-12 Advertising. In support of its activities and to cover the cost of publication, the authority may solicit advertising for placement in its publications. [Eff 7/2/81; am and comp 6/17/89] (Auth: HRS §314-8) (Imp: HRS §314-8)

§16-62-13 Federal regulations. The underwriting of programs shall be acknowledged on the air and shall be in accordance with the Communications Act of 1934, as amended, and the rules and regulations of the Federal Communications Commission. [Eff 7/2/81; comp 6/17/89] (Auth: HRS §314-8) (Imp: HRS §314-8)

§16-62-14 PBS guidelines. Program funding and the acknowledgment of program funders during broadcast shall conform to the current versions of the National Program Funding Standards and Practice of the Public Broadcasting Service (PBS). [Eff 7/2/81; am and comp 6/17/89] (Auth: HRS §314-8) (Imp: HRS §314-8)

§16-62-15 REPEALED. [R 6/17/89]

§16-62-16 Underwriter publicity. Persons who have underwritten a program or series of programs may, with the prior approval of the authority and at their own expense, conduct advertising, promotion, and publicity campaigns calling attention to the program or series and indicating their support of it. [Eff 7/2/81; am and comp 6/17/89] (Auth: HRS §314-8) (Imp: HRS §314-8)

§16-62-17 Gifts. The authority shall disclose the names of persons who make gifts or otherwise give funds to the authority for use consistent with this chapter and shall describe the gifts or funds received only with the written consent of the donor, except where disclosure is required by law. [Eff and comp 6/17/89] (Auth: HRS §314-8) (Imp: HRS §314-8)

Amendments to and compilation of chapter 16-62, Hawaii Administrative Rules, on the Summary Page dated March 29, 1989, were adopted on March 29, 1989, following a public hearing held on March 29, 1989, after public notices were given in the Hawaii Tribune-Herald, the Maui News, the Garden Island News, the Honolulu Star-Bulletin and Advertiser on March 5, 1989.

They shall take effect ten days after filing with the Office of the Lieutenant Governor.

/s/ Willard Welsh

WILLARD WELSH, Chairman
Hawaii Public Broadcasting Authority

APPROVED AS TO FORM: Date 5/25/89

/s/ Michael L. Meaney

Deputy Attorney General

APPROVED: Date 5/30/89

/s/ Robert A. Alm

ROBERT A. ALM
Director of Commerce and Consumer Affairs

APPROVED: Date 6/7/89

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii

June 7, 1989

Filed

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

Amendment and Compilation of Chapter 16-62
Hawaii Administrative Rules

March 29, 1989

SUMMARY

1. §§16-62-2 and 16-62-3 are amended.
2. §§16-62-5 to 16-62-8 are amended.
3. §§16-62-11 and 16-62-12 are amended.
4. §16-62-14 is amended.
5. §16-62-15 is repealed.
6. §16-62-16 is amended.
7. A new §16-62-17 is added.
8. Chapter 62 is compiled.